

REMARKS

Claims 1-20 are pending in this application. By this Amendment, claims 18-20 are added. No new matter is added. Reconsideration of the application is respectfully requested in view of the following remarks.

Applicant appreciates the courtesies shown to Applicant's representative by Examiner La during the June 28, 2005 personal interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

Claims 1-17 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,493,621 to Tamura et al. (Tamura). The rejection is respectfully traversed for at least the following reasons.

Pages 2 and 4 of the Office Action state that Tamura discloses storage means 104, 106, 108, 110, as recited in independent claims 1 and 12. As discussed during the personal interview, however, Tamura discloses that a microprocessor 102 communicates with an associated computer-readable storage medium 104 and that the computer readable storage medium 104 may include various devices for storing data representing instructions executable to control a braking system including the brake actuator 40 (col. 4, lines 20-34). Tamura only discloses storing instructions for controlling the braking system and does not disclose or suggest storing an amount of brake operation by a driver.

For at least these reasons, as discussed during the personal interview, Applicant respectfully submits that Tamura fails to disclose or suggest, *inter alia*, storage means for storing an amount of brake operation by a driver at a point where the collision prediction level determined by the determining means exceeds a predetermined threshold, as a reference level, as recited in independent claims 1 and 12. For at least these reasons, Applicant submits that Tamura fails to disclose or suggest all the features recited in claims 1 and 12, as well as all

the features recited in claims 2-11 and 13-17, which depend from claims 1 and 12. It is respectfully requested that the rejection be withdrawn.

With regard to new claim 18, Applicant submits that Tamura fails to disclose or suggest a vehicular safety apparatus comprising, *inter alia*, a storage device that stores a reference braking amount by a driver of a vehicle, and a brake control calculation device that sets the brake assist amount based on a difference between the present braking amount and the stored reference braking amount, wherein the present braking amount is stored in the storage device as the reference braking amount for a next cycle of the braking assist process.

Applicant submits that new claims 19 and 20, which respectively depend from claims 1 and 12 are allowable for at least the reasons discussed above with regard to claims 1 and 12.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of all pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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